

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

GUY ALLEN SALLIS,

Defendant-Appellant.

UNPUBLISHED

April 17, 2007

No. 267261

Wayne Circuit Court

LC No. 05-009294-01

Before: Wilder, P.J., and Sawyer and Davis, JJ.

SAWYER, J. (*concurring*).

I agree with the majority opinion's decision on this matter, including the conclusion that we are obligated to follow *People v Mack*, 265 Mich App 122; 695 NW2d 342 (2005), on the sentencing issue. But I write separately to express my view that *Mack* was incorrectly decided for the reasons expressed in my opinion in *People v Johnigan*, 265 Mich App 463; 696 NW2d 724 (2005), and I would follow *Mack* only because I am obligated to do so. Accordingly, I believe that we should certify a conflict on this issue.

/s/ David H. Sawyer